

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES STARKE,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:22-1810
	:	
v.	:	(JUDGE MANNION)
	:	
KILOLO KIJAKAZI,	:	
	:	
Defendant	:	

ORDER

Pending before the court is the report of former United States Magistrate Judge Karoline Mehalchick¹ which recommends that the decision of the Commissioner in the above-captioned matter be affirmed and the instant appeal of the Commissioner be denied. (Doc. 18). Neither party has filed objections to Judge Mehalchick's report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply*

¹ On July 11, 2023, President Biden nominated Judge Mehalchick to fill the district judge vacancy in the Middle District of Pennsylvania created by the retirement of John E. Jones, III. Judge Mehalchick was confirmed by the Senate on January 31, 2024, and began active service as a United States District Judge on February 5, 2024.

Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. '636(b)(1); Local Rule 72.31.

The plaintiff brought the instant action challenging the decision of the Commissioner of Social Security denying his applications for a period of disability and disability insurance benefits (“DIB”) and supplemental security income (“SSI”). After considering, among other things, the plaintiff’s credibility with respect to his mental limitations, the plaintiff’s activities of daily living, the medical opinions of record, and the plaintiff’s Global Assessment of Functioning (“GAF”) scores, the ALJ concluded that the medical evidence of record does not support the degree of symptoms and resulting functional limitations alleged by the plaintiff. In his appeal, the plaintiff argues that the ALJ committed multiple errors with symptom evaluation which compel reversal.

In considering the plaintiff’s appeal and the parties’ briefs related thereto, Judge Mehalchick determined that substantial evidence supports the decision by the ALJ that the plaintiff is not disabled. As a result, she

recommends that the Commissioner's decision to deny the plaintiff benefits be affirmed, that judgment be entered in favor of the Commissioner and against the plaintiff, and that the instant action be closed. Neither party has filed objections to Judge Mehalchick's report and recommendation.

Upon review, the court finds no clear error of record. Moreover, the court agrees with the sound reasoning which led Judge Mehalchick to her conclusions. As such, the court will adopt Judge Mehalchick's report and recommendation as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** The report and recommendation of Judge Mehalchick **(Doc. 18)** is **ADOPTED IN ITS ENTIRETY AS THE DECISION OF THE COURT.**
- (2)** The plaintiff's appeal **(Doc. 1)** is **DENIED** and the decision of the Commissioner is **AFFIRMED.**
- (3)** The Clerk of Court is directed to **ENTER JUDGMENT IN FAVOR OF THE COMMISSIONER AND AGAINST THE PLAINTIFF.**

(4) The Clerk of Court is directed to **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: February 12, 2024

22-1810-01